

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MARVIN WILLIAMS,

Plaintiff,

-against-

ADOPTION ORDER
20-CV-3127 (JS) (ARL)

MIRACLE MILE PROPERTIES 2 LLC; MIRACLE
MILE PROPERTIES 4 LLC; PARI GOLYAN;
KOUROSH GOLYAN; JOSEF GOLYAN; and
FARAIDOON GOLYAN,

Defendants.

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APPEARANCES

For Plaintiff: James Francis Sullivan, Esq.
Law Offices of James F. Sullivan, P.C.
52 Duane Street, 7th Floor
New York, New York 10007

For Defendant Josef Golyan: Greg S. Zucker, Esq.
Annie P. Kubic, Esq.
Westerman, Ball, Ederer, Miller &
Sharfstein LLP
1201 RXR Plaza
Uniondale, New York 11556

For Remaining
Defendants: No appearances.

SEYBERT, District Judge:

On July 14, 2020, Marvin Williams ("Plaintiff") commenced this action against Miracle Mile Properties 2 LLC; Miracle Mile Properties 4 LLC; Pari Golyan; Kourosh Golyan; Josef Golyan ("Defendant J. Golyan"); and Faraidoon Golyan (collectively, "Defendants"), alleging violations of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. §§ 201 et seq., and the

New York Labor Law ("NYLL"). On April 2, 2021, this Court referred Plaintiff's motion for default judgment against Defendants to Magistrate Judge Arlene R. Lindsay. (See Motion, ECF No. 13; Apr. 2, 2021 Elec. Order.) Further, on July 23, 2021, this Court referred to the Magistrate Judge Defendant J. Golyan's opposition to Plaintiff's motion for default judgment and cross-motion to dismiss for improper service of process. (See Cross-Mot., ECF No. 16; July 23, 2021 Elec. Order.)

On February 1, 2022, Magistrate Judge Lindsay issued a Report and Recommendation ("R&R") recommending that the Court (1) grant Defendant J. Golyan's motion to dismiss, and (2) grant Plaintiff's motion for default judgment as to Miracle Mile Properties 2 LLC; Miracle Mile Properties 4 LLC; Pari Golyan; Kourosh Golyan; and Faraidoon Golyan (the "Remaining Defendants"). (R&R, ECF No. 21, at 1-2.) With respect to damages, the Magistrate Judge recommended Plaintiff be awarded (1) \$37,537.50 in unpaid overtime; (2) \$119,906.86 in liquidated damages for frequency of pay violations; (3) \$5,000.00 for wage notice violations; (4) \$5,000.00 for wage statement violations; (5) \$47,537.50 in liquidated damages;¹ and (6) \$6,941.86 in prejudgment interest.

¹ Although the R&R recommends awarding Plaintiff \$47,537.50, it is clear from Plaintiff's submissions that this is a typographical error and that the correct number is \$37,537.50. (See Support Memo, ECF No. 13-1, at 9 (arguing Plaintiff is entitled to \$37,537.50 in liquidated damages for Defendants' failure to pay Plaintiff overtime wages).)

(Id. at 2.) However, Magistrate Judge Lindsay recommended that Plaintiff's request for attorney's fees and costs be denied, because Plaintiff's counsel failed to support its request with any evidence, such as time records. (Id. at 24-25.)

The time to object has expired and no objections to the R&R have been filed. Upon careful review and consideration, the Court finds Magistrate Judge Lindsay's R&R to be comprehensive, well-reasoned, and free of clear error. Accordingly, **IT IS HEREBY ORDERED** that:

- 1) the R&R (ECF No. 21), except as modified below, is ADOPTED;
- 2) Defendant J. Golyan's motion to dismiss (ECF No. 16) is GRANTED, and the Clerk of the Court is directed to TERMINATE Defendant J. Golyan as a Defendant; and
- 3) Plaintiff's motion for default judgment (ECF No. 13) is GRANTED in part as to the Remaining Defendants and DENIED in part as to Defendant J. Golyan; Plaintiff is awarded from the Remaining Defendants:
 - a. \$37,537.50 in unpaid overtime;
 - b. \$119,906.86 in liquidated damages for frequency of pay violations;
 - c. \$5,000.00 for wage notice violations;
 - d. \$5,000.00 for wage statement violations;
 - e. \$37,537.50 in liquidated damages; and

f. prejudgment interest accruing at 9% per annum from June 25, 2018 until the date judgment is entered.

The Clerk of the Court is respectfully directed to enter judgment accordingly and mark this case CLOSED. Plaintiff is directed to serve a copy of this Adoption Order to the Remaining Defendants and file proof of service to ECF forthwith

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: March 24, 2022
Central Islip, New York